

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA

v.

MARTY DEWAYNE LAWSON,

Defendant.

)
)
) Case No. 1:04CR00097
)

) **ORDER**
)

) By: James P. Jones
) United States District Judge
)

For the reasons set forth in the Opinion accompanying this Order, it is **ORDERED** that the Motion to Dismiss (ECF No. 35) is GRANTED; the defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C.A. § 2255 (ECF No. 30) is DENIED; and the § 2255 proceeding is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is DENIED.

ENTER: December 19, 2012

/s/ James P. Jones

United States District Judge